

Assembly Bill No. 1438

CHAPTER 233

An act to amend Section 56366.7 of the Education Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1996. Filed with
Secretary of State July 22, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1438, R. Campbell. Special education: nonpublic, nonsectarian schools or agencies.

Existing law requires a nonpublic, nonsectarian school or agency to submit a list of uniform tuition fees for services, as a condition of certification, and requires the Superintendent of Public Instruction to ensure that tuition fee information is uniformly collected from those schools and agencies that seek certification. Existing law requires the superintendent to not certify or to decertify a nonpublic, nonsectarian school or agency that does not submit that list by June 30, 1996. Existing law provides for the inoperation of this provision on June 30, 1999.

This bill would extend the requirement that the superintendent not certify or decertify a nonpublic, nonsectarian school or agency that does not submit the list of uniform tuition fees for services to June 30, 1998. The bill would provide that uniform tuition fees are based on the per-day costs of providing special education and designated instruction and services, as specified, that are contained in the total operating budget of a school or agency. The bill would specify that the total operating budget includes, but is not limited to, certain costs that are incurred or projected to be incurred for the administration and operation of the school. The bill would require separate service fees, as specified, to be deducted from the total operating budget. This bill would extend the date of inoperation to June 30, 2001.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 56366.7 of the Education Code is amended to read:

56366.7. (a) As a condition of certification, a nonpublic, nonsectarian school or agency shall submit, on forms developed by the superintendent in consultation with statewide organizations representing providers of special education and designated

instruction and services, a list of uniform tuition fees for providing special education and designated instruction and services to individuals with exceptional needs who are served through contracts with local education agencies. The superintendent shall not certify, or shall decertify, any nonpublic nonsectarian school or agency that has not complied with this section by June 30, 1998. The superintendent shall ensure that tuition fee information is uniformly collected from nonpublic, nonsectarian schools and agencies that seek certification each year.

(b) (1) Uniform tuition fees are based on the per-day costs of providing special education and designated instruction and services to individuals with exceptional needs served in a nonpublic, nonsectarian school or agency, which costs are contained in the school or agency total operating budget that is submitted with an application for certification and are uniformly charged by the school or agency to all contracting local education agencies.

(2) The total operating budget for purposes of providing special education services includes all costs incurred or projected to be incurred for the administration and operation of the school, including, but not limited to:

- (A) Rents and leases.
- (B) Principal and interest on debt service.
- (C) Wages, salaries, and benefits.
- (D) Supplies.
- (E) Materials.
- (F) Accounting, legal, medical, and psychological benefits, and other professional services.
- (G) Equipment.
- (H) Depreciation taken in accordance with generally accepted accounting principles.
- (I) Amortization taken in accordance with generally accepted accounting principles.
- (J) Insurance, or if self-insured, contributions to self-insured funds.
- (K) Contributions to reserve funds maintained in accordance with generally accepted accounting principles.
- (L) Licensing and regulatory fees.
- (M) Advertising.
- (N) Books and publications.
- (O) Travel.
- (P) Professional association dues.
- (Q) Contractual services (for example, maintenance, gardening, and transportation).
- (R) Utilities.
- (S) Taxes.
- (T) Training and staff development.



(U) A percentage rate of return equal to the rate of return earned in the preceding fiscal year.

(3) A uniform tuition fee is a daily fee that is comprised of the costs contained in the total operating budget divided by the total schooldays of attendance of individuals with exceptional needs.

(4) There shall be deducted from the total operating budget all expenses associated with any service that is charged as a separate service fee and not included in the uniform tuition fee. A separate service fee is a daily rate charged for a service that is not included in the uniform tuition fee and for which the school or agency charges separately, for example designated instruction and services as defined in Section 56363 or transportation. The unit of measurement for a separate service fee varies from service to service and from school to school unless otherwise required by a contract with a local education agency under subdivision (c) of Section 56366.

(c) This section shall become inoperative on June 30, 2001, and, as of January 1, 2002, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2002, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the extension of the requirement that the superintendent not certify or decertify a nonpublic, nonsectarian school or agency that does not submit the list of uniform tuition fees for services be implemented at the earliest possible time, it is necessary that this act take effect immediately.

